

Summonses were returned unexecuted by the Defendants and Summonses were reissued on May 15, 2008.

3. Defendant City of Dothan returned an executed Summons on May 16, 2008 and filed an Answer to the Plaintiff's Complaint on June 2, 2008. The Plaintiff has had considerable difficulty, however, in perfecting service with regard to Defendant Jackson, who is now retired from the City of Dothan police force.

4. On May 15, 2008, process server Allen Hopkins served the City of Dothan in this matter. (Ex. A, Decl. of Hopkins). While at Dothan City Hall, Hopkins discussed with the Clerk that he wanted to see Defendant Jackson and was informed that Jackson had retired. Hopkins had an address for Jackson and confirmed that it was indeed correct and proceeded to Jackson's residence. (Id.). At Jackson's residence, Hopkins found cars in the drive way and persons appeared to be at home. (Id.). Hopkins rang the front and back door bell and no one answered. (Id.). Hopkins also observed that there were surveillance cameras outside the residence. (Id.). Hopkins waited for approximately three hours and no one came to the door despite numerous attempts to serve the Complaint in this action. (Id.). It is believed that Defendant Jackson was at home and refused to answer the door. (Id.).

5. Plaintiff then attempted to serve Defendant Jackson by Certified Mail at his residence. (Ex. B, Certified Mail). The United States Postal Service sent notice of certified mail to Defendant Jackson on two occasions, May 19, 2008 and May 28, 2008, and each time Defendant Jackson refused to claim the letter. (Ex. B, Certified Letter). The letter was stamped returned to the Plaintiff on June 3, 2008 and Plaintiff received the unclaimed letter on June 10, 2008. (Ex. B, Certified Mail).

6. Based on the foregoing, it is apparent that Defendant Governor Jackson is actively avoiding service in this case.

Wherefore premises considered, the Plaintiff would request that he be allowed an additional 120-days in which to perfect service as to Defendant Governor Jackson. Plaintiff would also request that the Court appoint the United States Marshal for the Middle District of Alabama to assist him in perfecting service with regard to Defendant Officer Governor Jackson.

Respectfully submitted,

/s/Roderick T. Cooks
Roderick T. Cooks
Attorney for the Plaintiff

OF COUNSEL:

WINSTON COOKS, LLC
The Penick Building, Suite 203
319 North 17th Street
Birmingham, Alabama 35203
(205) 502-0970- telephone
(205) 251-0231 - facsimile

CERTIFICATE OF SERVICE

I hereby certify that an electronic copy of the foregoing has been served on the parties listed below via the Court's CM/ECF system:

F. Lenton White, Esq.
City Attorney
Post Office Box 2128
Dothan, Alabama 36302
(334) 615-3130

Done this the 11th Day of July 2008.

/s/Roderick T. Cooks
Of Counsel

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ANTHONY ANDERSON,

Plaintiff,

v.

**OFFICER JACKSON and the
CITY OF DOTHAN,**

Defendants.

**CIVIL ACTION NO.:
1:08-CV-00175-MHT**

DECLARATION OF ALLEN HOPKINS

I, Allen Hopkins, am over the age of 18, upon being duly sworn, state as follows:

1. I am a process server in the state of Alabama. I have been engaged in the serving of legal papers for over twenty-five years.
2. On May 15, 2008, I served the City of Dothan in this matter.
3. While at Dothan City Hall, I discussed with the clerk that I wanted to see Officer Jackson. I was informed that he was now retired.
4. I had an address of 202 Olympia Drive, Dothan, Alabama for Officer Jackson. I confirmed that I had the correct address for Officer Jackson.
5. I proceeded to Officer's Jackson's residence. There were vehicles in the

drive way and persons appeared to be at home.

6. I rang the front and back door bell. No one came to the door. I waited a period time, and re-attempted to ring the front door bell. I talked with some of the neighbors who said that Officer Jackson was now an investigator and was in and out all hours of the day and night.

7. I was at the Jackson residence for approximately three hours, and no one came to the door despite my attempts to serve the complaint. There were cameras outside the residence. Based on my experience, I believe Officer Jackson was at home.

8. I left the area without serving Officer Jackson.

I Declare Under Penalty of Perjury the Foregoing is True and Correct.

Allen Hopkins 7-10-08
Allen Hopkins Date

EXHIBIT B

WINSTON COOKS, LLP
The Penick Building
319 17th Street North, Ste. 203
Birmingham, Alabama 35203

CERTIFIED MAIL



7005 0390 0005 0243 2159

RECEIVED
May 19/08

\$7.09
US POSTAGE
FIRST-CLASS
08250005004501
35203

08250005004501
35203



UNCLAIMED

UNCLAIMED
VIA CERTIFIED MAIL

Officer Jackson
202 Olympia Drive
Dothan, Alabama 36301-7844

5/19/08
5-28-08
6-3-08

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p><i>Officer Jackson</i> <i>202 Olympia Drive</i> <i>Dorham, NC 28630-1784</i></p> <p>2. Article Number <i>(Transfer from service label)</i> PS Form 3811, February 2004</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
Domestic Return Receipt 102595-02-M-1510			